

Application No. 10/804,985

Response to Office Action of October 2, 2006

REMARKS

This Response is submitted in reply to the Office Action mailed on October 2, 2006. Claims 17-20, 23, 24 and 26-30 are pending in the application. Claim 26 has been allowed. Claim 30 has been amended. No new matter has been added by this response.

Claim 30 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that the phrase "the support" in claim 30 does not have proper antecedent basis. Applicants have amended claim 30 to change the phrase "the support" to the phrase "a support." Applicants submit that the amendment to claim 30 overcomes the rejection.

Claim 17-20, 23, 24 and 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,443,311 to Kadlecek et al. ("*Kadlecek*") in view of British Publication No. 477,158 ("*the '158 Publication*") and in further view of U.S. Patent No. 5,245,801 to Boesvert ("*Boesvert*"). Applicants disagree with and traverse this rejection for the following reasons:

A person of ordinary skill in the art would not be motivated to combine *Kadlecek*, the '*158 Publication*, and *Boesvert*, to achieve the claimed invention where there is no teaching or suggestion in any of the references to make such a combination.

In order to make an obviousness rejection under §103, there must be some teaching or motivation found in the references to make the combination. In the Office Action, the Examiner states that *Kadlecek* shows all of the elements of the claimed invention, except it does not show a locker having an "open bottom," a cart that can be moved into and out of a locker attached to the tool cabinet or a lockable door. The Examiner relies on the '*158 Publication* to show the open bottom locker of the claimed invention.

Application No. 10/804,985  
Response to Office Action of October 2, 2006

Applicants submit that a person of ordinary skill in the art would not be motivated to combine *Kadlecek* and the '158 *Publication* to teach the suspended "open-bottom locker" of the claimed invention where there is no motivation or reason to make this combination.

As stated in the Office Action, *Kadlecek* teaches "the use of a tool cabinet (11) for securing tools, and a locker (45) suspended on and connected with the tool cabinet, the locker having an interior space in which objects (drawers for example) may be moved into and out of [the interior space]...". (See the Office Action, p. 3). *Kadlecek* therefore teaches a rollable tool cabinet where the tools can be stored and locked in drawers of the tool cabinet and where the tool cabinet can be moved to different work sites so that the tools can be used at those sites.

Applicants' application states the following about existing tool cabinets at the time of Applicants' invention:

Large rolling tool cabinets are often used to secure tools which are kept at a job site. These tool cabinets may be placed at a central location in order to be easily accessible to those who use the tools. These tool cabinets are often heavily laden with tools, or other work articles, so it is often impractical to roll them to a particular work site. Consequently, small rolling carts are often employed to transport articles to the work site and back. At the end of the workday, the articles are removed from the rolling cart and placed back into the tool cabinet and secured.

Often it is desirable for mechanics and workmen to leave work pieces, equipment, or tools on a rolling cart undisturbed at the end of a work period, so that they may more easily continue their work where they left off the next period.... Sometimes objects will not readily fit into a tool cabinet. As a result, equipment and tools are often left on rolling carts unsecured. (See Paragraphs 0003 and 0004 of Applicants' Application).

Existing rollable tool cabinets therefore were either rolled to different job sites or the tools stored in the tool cabinets were placed on a rolling cart that was moved to and from the different job sites. At the end of the day, the tools were either placed back in the drawers of the tool cabinet and then removed again the next day to be used, or the tools were left on a rolling

Application No. 10/804,985  
Response to Office Action of October 2, 2006

cart unsecured. Thus, either the bulky, heavy tool cabinets had to be moved to and from the work sites which took significant time and effort, or the smaller rolling carts were used. However, the tools on the smaller rolling carts were usually left out and unsecured because it was too time consuming to put all of the tools back into the tool cabinets, only to have to remove them again the next day.

Applicants' claimed invention solves the above problems. The claimed invention includes a lockable, open-bottom locker that is suspended from the cabinet so that a rolling cart (including tools) can be secured without having to place all of the tools back in the cabinet at the end of each day. Furthermore, the tool cabinet and locker (including the cart) can be rolled to different locations if needed. The claimed invention therefore eliminates the need to move the bulky, heavy cabinets to each work site and also secures the tools on the cart so that the tool do not have to be placed back into the tool cabinet.

*Kadlecek* does not disclose or suggest such subject matter. In fact, *Kadlecek* teaches away from such a tool cabinet. *Kadlecek* is directed to a tool cabinet having a plurality of drawers where a pull-out work platform is mounted on at least one of the drawers. The pull-out work platform provides a "horizontal work surface" to be used at the work site. (Col. 1, lines 11-25). *Kadlecek* therefore provides more horizontal work surfaces to those users who move their tool cabinets from site to site. Otherwise, the horizontal work surfaces would not be needed if the tool cabinets were not actually moved to the different sites. *Kadlecek* therefore teaches the method of moving the tool cabinets from site to site as described above and teaches away from using a rolling cart or similar device.

For at least these reasons, Applicants submit that a person of ordinary skill in the art would not be motivated to combine the rolling tool cart having pull-out work platforms of

Application No. 10/804,985  
Response to Office Action of October 2, 2006.


*Kadlecek* with the stationary cabinet and rolling cart of the '158 *Publication* where there is no teaching, motivation or suggestion in the references to make such a combination.

Accordingly, Applicants submit that claims 17 and 27, and the claims that depend therefrom, are each patentably distinguished over the combination of *Kadlecek*, the '158 *Publication* and *Boesvert* and in condition for allowance.

In light of the above, Applicants submit that claims 17-20, 23-24, 27-29, as well as allowed claims 26 and 30, are patentable and non-obvious over the art of record because the cited art does not disclose, teach or suggest the subject matter of these claims. Accordingly, Applicants request that claims 17-20, 23-24, and 27-29 in addition to allowed claims 26 and 30, be deemed allowable at this time and that a timely notice of allowance be issued in this case.

No fees are due. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (25493-451590) on the account statement.

Respectfully submitted,

By   
Christopher S. Hermanson,  
Reg. No. 48,244  
Customer No. 27717